

HONORABLE RICHARD A. JONES

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

RONALD C. MORRIS,

Plaintiff,

v.

CAROLYN W. COLVIN, in her capacity  
as Acting Commissioner of the Social  
Security Administration,

Defendant.

CASE NO. C13-1767RAJ

ORDER

The court DENIES Defendant's motion to alter or amend the court's December 12, 2014 judgment. Dkt. # 26. Defendant points to two Ninth Circuit decisions that issued shortly after the court's judgment: *Treichler v. Comm'r of Social Security Admin.*, No. 12-35944, 2014 U.S. App. LEXIS 24463 (9th Cir. Dec. 24, 2014) and *Burrell v. Colvin*, No. 12-16673, 2014 U.S. App. LEXIS 24654 (9th Cir. Dec. 31, 2014). Both cases consider, among other things, when it is appropriate to remand an appeal of a denial of disability insurance benefits for an award of benefits, rather than for additional administrative proceedings. The court has considered both cases, and concludes that neither of them mandate a different outcome in this instance. Defendant makes much of the court's notation, in its December 12, 2014 order adopting the Report and Recommendation, that there is "evidence that supports a decision that [Plaintiff]'s health was not disabling." The court explained, applying well-worn standards for review of

1 specific types of evidence in Social Security disability insurance appeals, why that  
2 evidence was not adequate as a matter of law. Put another way, no administrative law  
3 judge could properly credit that evidence as a basis to deny benefits in this case. That  
4 there is some evidence supporting the conclusion that a plaintiff is not disabled does not  
5 prevent the court from reaching the conclusion that there is no serious doubt that the  
6 plaintiff is disabled, especially in light of the standards that apply to the consideration of  
7 certain types of evidence in cases like these. Both *Burrell* and *Treichler* are consistent  
8 with the standard for remanding for an award of benefits that the court cited in its  
9 December 12 order. The court reiterates its conclusion that the record is fully developed,  
10 that it is appropriate to credit as true evidence that establishes Plaintiff's disability, and  
11 that evidence would compel the conclusion that Plaintiff cannot perform jobs that exist in  
12 substantial numbers in the national economy. The court has no serious doubt that  
13 Plaintiff is disabled, and thus reiterates its decision to exercise its discretion to remand  
14 this case for an award of benefits.

15 DATED this 2nd day of February, 2015.

16  
17 A handwritten signature in black ink, reading "Richard A. Jones". The signature is written in a cursive, flowing style. Below the signature is a horizontal line.

18  
19 The Honorable Richard A. Jones  
20 United States District Court Judge  
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